

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Charles E. HENDERSON

Application No.: To be Assigned

Filed: Concurrently Herewith

For: **NETWORK OPERATING SYSTEM AND METHOD**

Group Art Unit: To be Assigned

Examiner: To be Assigned

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**STATEMENT UNDER 37 C.F.R. § 3.73(b), POWER OF ATTORNEY BY ASSIGNEE**

Network Dynamics, Inc., a corporation, states that it is the assignee of the entire right, title, and interest in the above-mentioned patent applications by virtue of assignments from their respective inventor(s). A copy of the Assignment document is attached.

The assignee of the above-identified patent application hereby appoints the registered practitioners of McGuireWoods LLP included in the following customer number to prosecute the above application and transact all business in the U.S. Patent and Trademark Office connected therewith, and directs that all correspondence be addressed to that Customer Number:

**CUSTOMER NUMBER: 23345**

Address correspondence to:

McGuireWoods LLP  
1750 Tysons Boulevard  
Suite 1800  
McLean, VA 22102

Charles E HENDERSON

Direct telephone calls to Richard S. Meyer, Esq. at 703-712-5427.

On behalf of Network Dynamics, Inc.:

FOR: Network Dynamics, Inc.

SIGNATURE: Charles Henderson

BY: Charles E. Henderson

TITLE: CEO / President

DATE: 9/16/05

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b>  <input checked="" type="checkbox"/> Declaration    -or- <input type="checkbox"/> Declaration  <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">Submitted with initial filing</div> <div style="text-align: center;">submitted after initial filing</div> </div>	Docket No.:	08270001US
	First Named Inventor:	Charles E. HENDERSON
	<i>Complete if known</i>	
	Application No:	To be Assigned
	Application Filing Date:	Concurrently
	Group Art Unit:	To be Assigned
	Examiner Name:	To be Assigned

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### NETWORK OPERATING SYSTEM AND METHOD

The specification of which:

(check one)      ☒ is attached hereto  
☐ was filed on \_\_\_\_\_  
as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56.

#### 37, Code of Federal Regulations, § 1.56

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.

## PRIORITY CLAIMS

### Foreign and Provisional Applications

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed. I hereby also claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Prior Application Number(s)	Country or Provisional	Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
60/455,739	Provisional	03/18/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign, PCT and/or provisional application numbers are listed on a supplemental priority sheet attached hereto.

### U.S. and PCT Applications

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
	PCT/US2004/008406	03/18/2004	

☐ Additional U.S. and/or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

### DECLARATION

I/We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole 1-00  
or First Inventor Charles E. HENDERSON  
Inventor's Signature Charles E. Henderson Date 9/16/05  
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Citizenship United States of America  
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